

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>YAROSLAV SURIS</b> , <i>on behalf of himself and all</i>	:
<i>others similarly situated</i> ,	:
Plaintiff,	: <b>MEMORANDUM AND ORDER</b>
– against –	: 20-CV-6096 (AMD) (JRC)
	:
<b>COLLIVE CORPORATION</b> and <b>COLLIVE</b>	:
<b>MEDIA GROUP INC.</b> ,	:
Defendant.	:
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<b>ANN M. DONNELLY</b> , United States District Judge:	

The petitioner filed this action against the defendants Collive Corporation and Collive Media Group Inc. on December 15, 2020, alleging violations of the Americans with Disabilities Act (“ADA”), the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290 *et seq.*, the New York State Civil Rights Law (“NYSCRL”), N.Y. Civ. Rights Law § 40 *et seq.*, and the New York City Human Rights Law (“NYCHRL”), N.Y.C. Admin. Code § 8-107(4)(a). (ECF No. 1.) The defendants were served on December 24, 2020. (ECF Nos. 5, 6.) The defendants did not appear or answer the complaint, and the Clerk of Court filed an entry of default on April 21, 2021. (ECF No. 10.)

On June 25, 2021, the plaintiff filed a motion for default judgment against the defendants. (ECF No. 12.) I referred the motion to the Honorable James R. Cho on July 14, 2021. On January 10, 2022, Judge Cho issued a thorough report and recommendation. (ECF No. 15.) On January 20, 2022, the plaintiff filed proof of service of the report and recommendation on the respondent. (ECF No. 16.) No party has filed an objection to the report and recommendation, and the time for doing so has passed.

In Judge Cho's report and recommendation, he recommends granting the plaintiff's motion for default judgment in part and denying it in part. (ECF No. 15.) He recommends that I grant the plaintiff's application to declare that the defendants are liable under the ADA, the NYSHRL, the NYSCRL and the NYCHRL. (*Id.* at 16.) Judge Cho also recommends that I issue an injunction requiring the defendants to make their website accessible to hearing impaired individuals, and that within 60 days, the defendants submit a proposal to the plaintiff's counsel describing their plans to remedy the violation. (*Id.* at 11-12.) The plaintiff will then have 30 days to consent or seek further relief from the Court. (*Id.*) In addition, the defendants will make necessary alterations to their website within 60 days of either the plaintiff's consent, or any rulings on the defendants' proposal. (*Id.*) Judge Cho recommends that I award the plaintiff \$1,000 in compensatory damages, \$500 in statutory damages, \$1,783.27 in attorney's fees and \$635.93 in costs, and deny the plaintiff's requests for punitive damages and class-wide relief. (*Id.* at 16.)

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept a report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Cho's well-reasoned and comprehensive report and recommendation, and find no error. Accordingly, I adopt the report and recommendation in its entirety.

**SO ORDERED.**

s/Ann M. Donnelly  
ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
February 23, 2022